



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2009\_1195  
Wei-Ping CHEN et al. : Confirmation No. 4772  
Serial No. 10/586,204 : Group Art Unit 1626  
Filed September 29, 2006 : Examiner Joseph R. Kosack  
PROCESS FOR THE PRODUCTION OF : Mail Stop: AF  
ASYMMETRIC TRANSFORMATION  
CATALYSTS

**RESPONSE AFTER FINAL REJECTION**

DO NOT ENTER: /JK/  
04/12/2010

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37.CFR.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP-----1600**

Sir:

Responsive to the Office Action of January 4, 2010, Applicants submit the following remarks in support of the patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Thus, the rejection of claims 38-44 under 35 U.S.C. §103(a) as being unpatentable over Hayashi et al. in view of Nettekoven et al. and Berlin et al. is respectfully traversed.

As Applicants explained in their previous response, filed September 29, 2009, the process of the instant invention is concerned with providing ligands having a **chiral** phosphino group obtained via a **stereoselective** reaction, thus providing primarily one of two possible diastereomers. As there is **no such teaching or suggestion for a possible stereoselective build up reaction to be found in the prior art** the instant application should be considered to be clearly non-obvious.

More specifically, the instant invention provides a process for the **stereoselective** build up of a phosphor-chiral radical in ortho-position to a chiral and ortho-directing group, summarized as follows: